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of Massachusetts

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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

February 3, 1998

AO-98-02

Ralph V. Shapiro
82 Countryview
West Springfield, MA 01089

Re: WPPP Political Action Committee

Dear Mr. Shapiro:

This letter is in response to your January 20, 1998, letter requesting an advisory opinion regarding your decision to enter the race for selectman in the town of West Springfield.

Question: Do you have to resign from the Westvaco Political Participation Program (“Westvaco”) in view of M.G.L. c. 55, s. 5A when you become a candidate for selectman or if you are successful in your candidacy? Westvaco is a political action committee registered with the Federal Election Commission.

Answer: No. Section 5A does not apply to non-Massachusetts political action committees.

Discussion: You have stated that you are on the board of directors of Westvaco, a political action committee registered with the Federal Election Commission. Westvaco is not registered with this office. According to Westvaco’s by-laws, its purposes include the promotion of “good citizenship through the personal and financial participation of its members in the elective process at the federal, state and local levels of government, as permitted by law.” Although Westvaco has contributed to the campaigns of candidates running for U.S. Senate or the U.S. Congress in Massachusetts, it has not made any contributions to, or expenditures on behalf of, candidates seeking office at the state, county or local level in Massachusetts.

The campaign finance law provides that no candidate “shall . . . serve as a principal officer of a political action committee. . .” M.G.L. c. 55, s. 5A. A political action committee is

one of a number of types of political committees provided for by the campaign finance law. See M.G.L. c. 55, s. 1. The term "political committee" is defined, in part, as any committee or other organization which receives contributions or makes expenditures "for the purpose of influencing the nomination or election of a candidate, or candidates . . ." The word "candidate," which is also defined by section 1, includes, however, only candidates for Massachusetts state, county or local office and does not include candidates for federal office in Massachusetts. See AO-96-10.

For the purposes of the Massachusetts campaign finance law, therefore, Westvaco is not a political committee or a political action committee because it does not receive contributions and makes expenditures to influence the nomination or election of Massachusetts state, county or municipal candidates. See IB-82-01, Part III (b). Therefore, you do not need to resign from your position¹ in Westvaco because of your status as a candidate under the Massachusetts campaign finance law or if you should be elected to public office in Massachusetts. Section 5A is simply not applicable.

This opinion is issued within the context of the Massachusetts campaign finance law and is provided on the basis of representations in your letter and conversations with OCPF staff. Please contact us if you have further questions.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan" followed by a horizontal line.

Michael J. Sullivan
Director

¹ Although it is unnecessary to decide whether you are a principal officer of Westvaco under these circumstances, it appears that you do serve as such an officer. The Westvaco by-laws do not refer specifically to a board of directors but to various officers including a chairman, secretary, treasurer. These officers are appointed by the chairman of the Westvaco corporation and would be principal officers. I assume that you are one of these officers.